

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

Delvin Lloyd Drinkall, as Debtor in Possession,

Plaintiff,

vs.

Corry & Associates and Robert J.

Corry, Jr. Individually,

Defendants.

Case No.: 19-31858

Chapter 11 Case

Hon. William J. Fisher

**COMPLAINT TO RECOVER TRANSFERS TO DEFENDANTS
TRUST ACCOUNT PURSUANT TO 11 U.S.C. §§ 547, 548, AND 550**

Delvin Lloyd Drinkall, as Debtor in Possession, of the Delvin Lloyd Drinkall bankruptcy estate (the "Plaintiff"), by and through his undersigned counsel, brings this Complaint against Corry & Associates and Robert J. Corry, Jr. (the "Defendants"). In support thereof, the Debtor in Possession states and alleges as follows:

JURISDICTION AND VENUE

1. Delvin Lloyd Drinkall (the "Debtor") filed his voluntary petition for relief under chapter 11 of the United States Bankruptcy Code on June 6, 2019 (the "Petition Date").

2. Delvin Lloyd Drinkall is the Debtor in Possession and is currently duly qualified and acting in the Debtor's pending case (the "Case").

3. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157(b)(1); 1334 and 2201(a); Fed. R. Bankr. P. 5005, 7001(2) and (9) and 7013; and Local Rule 1070-1.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1409(a) as this adversary proceeding is related to a case under title 11 currently pending before this Court. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (E), (N) and (O).

5. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(K).

6. This adversary proceeding is referred to the bankruptcy court pursuant to Local Rule 1070-1. Pursuant to 28 U.S.C. § 157(c)(2), the Debtor in Possession consents to the reference of this proceeding to the bankruptcy court to hear, determine, and to enter appropriate orders and judgment.

PARTIES

7. Delvin Lloyd Drinkall is the Debtor in Possession relative to his filing of his chapter 11 Petition.

8. Defendants are, upon information and believe, a law firm operating in the State of Colorado, whose address is 437 West Colfax, Suite 300, Denver, CO 80204 and Robert J. Corry, Jr., an individual, upon information and believe, is a citizen of the State of Colorado, with a residential address of 9150 E. Jefferson Pl., Denver, Colorado 80237-1953.

BACKGROUND FACTS

9. Plaintiff wired Four Hundred Seventy Five Thousand Dollars (\$475,000.00) to the Defendant law firm, Corry & Associates, to be placed in their firm's Trust Account. These monies were transferred by two wires from Plaintiff's account at First Farmers & Merchants Bank of Grand Meadow on February 7, 2019. The first wire on February 7, 2019 was in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000.00) and the second wire on February 7, 2019 was in the amount of Three Hundred Fifty Thousand Dollars (\$350,000.00). See attached Exhibit A. That Plaintiff expected that said monies were to remain in the Defendants law firm's Trust Account to be used at the direction of Plaintiff. Plaintiff has been

told by attorney Robert J. Corry, Jr. that said funds were invested and that it would take a period of time to restore those funds back to Plaintiff. Since that initial discussion, attorney Robert J. Corry, Jr. and the Corry & Associates law firm will not respond to Plaintiff's request for the funds, or acknowledge where those funds are now located.

CLAIM FOR RELIEF

COUNT 1

10. Plaintiff incorporates all preceding paragraphs as if fully re-alleged herein.

11. Funds were wired to the Defendants, Corry & Associates and attorney Robert J. Corry, Jr., Trust Account and were to have remained there for the benefit of Plaintiff.

12. Defendants have no right to retain the funds that were wired to Defendants Trust Account and said funds are to be returned to Plaintiff, together with interest and his costs.

13. That Defendants have no rights to the monies and that said monies should be returned immediately.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter and order:

A. On Plaintiff's claims for relief, judgment in favor of Plaintiff and against Defendants, to return to Plaintiff the Four Hundred Seventy Five Thousand Dollars (\$475,000.00) that was wired to Defendants, Corry & Associates and attorney Robert J. Corry, Jr., Trust Account on February 7, 2019, plus interest from the date of demand at the maximum legal rate and to the fullest extent allowed by applicable law, together with the costs and expenses of this action including, without limitation, attorneys' fees; and

B. Granting such further relief as the Court deems just and equitable.

Dated: 08/09/2019

ADAMS, RIZZI & SWEEN, P.A.

/s/ Paul V. Sween

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Attorneys for Debtor in Possession

EXHIBIT A

3D CUSTOM PUMPING LLC
18355 790TH AVE
OSTRANDER MN 55961

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BUSINESS INTEREST CHECKING ACCOUNT 3003003382

DESCRIPTION	DEBITS	CREDITS	DATE	B
BALANCE LAST STATEMENT			01/31/19	128,
Telephone Transfer from Checking XX3371 per Delvin		350,000.00	02/07/19	478,
Outgoing Wire Transfer-ROBERT J CORRY JR ATTORNEY TRUST	125,000.00		02/07/19	353,
Outgoing Wire Transfer-ROBERT J CORRY JR ATTORNEY TRUST	350,000.00		02/07/19	3,
Outgoing Wire Transfer Fee	25.00		02/07/19	3,
Outgoing Wire Transfer Fee	25.00		02/07/19	3,
INTEREST AT .234000 %		5.36	02/28/19	3,
PAPER STATEMENT FEE	5.00		02/28/19	3,
SERVICE CHARGE	.20		02/28/19	3,
BALANCE THIS STATEMENT			02/28/19	3,
TOTAL CREDITS (2)		350,005.36	MINIMUM BALANCE	3
TOTAL DEBITS (6)		475,055.20	AVERAGE BALANCE	29
INTEREST THIS STATEMENT		5.36		

- END OF STATEMENT -